REMARKS

Claims 1-5, 7, 11-13, 15, 17-20, 24 and 26-29 are presented for examination in this application. Claims 6, 8-10, 14, 16, 21-23 and 25 have been canceled, without prejudice or disclaimer of subject matter; accordingly, these claims will not be mentioned further. Claims 1, 11, 12 and 15 have been amended to define still more clearly what Applicants regard as their invention. Claims 26-29 have been added to assure Applicants a fuller measure of protection of the scope to which they deem themselves entitled.

Claims 20 and 26-29 are the independent claims.

As required by the Office Action, Applicants will submit corrected drawings in due course.

Claims 1, 3-4, 15, 20 and 24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 5,608,859 (Taguchi) in view of the Microsoft Press *Computer Dictionary*, 1997, 3rd Edition, page 305. Claims 2, 7, 13 and 17-19 were rejected as being unpatentable over *Taguchi* and *Microsoft Press* in view of U.S. Patent 6,005,560 (Gill et al.). Claims 5, 11, 12 and 25 were rejected as being unpatentable over *Taguchi*, *Microsoft Press* and *Gill* in view of U.S. Patent 6,144,375 (Jain et al.).

Independent Claim 26 of the present application is directed to a computer-based method of editing multimedia content, in which (a) an attribute characterizing the multimedia content is derived. That attribute is operated upon, using a pre-defined template to establish a computer based editing process, and the computer-based editing process is applied to the multimedia content, thereby to edit the multimedia content.

The phrase "an attribute characterizing the multimedia content" means something which in some way characterizes the content <u>itself</u>. This is supported by the

- 12 -

example at page 7, lines 20-23, which states that "the input content comprises one whole temporal element 201 about which little ... may be known ... other than ... the total duration of the content". In this example, the "attribute" is the total duration of the content, which characterizes the duration of the content itself. (It is to be understood of course that the claim scope is not limited by the details of the specific embodiments or examples referred to.)

The phrase "operating upon the attribute using a pre-defined template to establish a computer based editing process means that the process" which is "established" is formed by "operating upon the attribute" in a manner which makes use of a "pre-defined template". The aspect of "operating upon the attribute to establish a computer based editing process" is supported by the example at page 7, line 28, to page 8, line 1, which refers to "...the reduction (i.e., the *process* of reduction) of overall duration of the output content 112, in comparison with the duration of the input content". The "attribute of the content" is the duration of the input content. The "process", i.e., the shortening operation, is dependent upon the initial duration, i.e., the attribute of the (input) content.

The use of the "pre-defined template to establish a computer based editing process" is supported by page 11, lines 6-29. This describes the *template* as being a "collection of rules or rule sets...." (page 11, lines 22-24), and makes reference to the "...rule-sets specifying methods of selecting which temporal structure mappings... will be executed" (page 11, lines 16-18).

The phrase "thereby to edit the multimedia content" means that the result of applying the computer based editing process is to edit the content itself. This is supported by the aforementioned example which effects "...the reduction of overall duration of the output content (i.e., the *edited content*), in comparison with the duration of the input content...."

- 13 -

Taguchi relates to a system using "media presentation information" an example of which is shown in tabular form in Fig. 2 (col. 4, lines 9-16). In Fig. 2, one example of multimedia content is PICTI.PIC, which presumably is a reference to an image file containing actual image (i.e., multimedia) data. Fig. 2 shows two attributes for PICTI.PIC namely a TIME LENGTH having a value "15", and a MEDIA TYPE having a value "IMAGE". These two attributes relate to characteristics of the actual content of the file PICT1.PIC.

Taguchi states (words in parentheses added for clarity) that "...pieces of information are displayed on the input/output management section 103 so that the user may select the information ...or else (the user may) average values of the information ...to determine information for a template, and (the user) adds the thus determined information to the presentation information template. Fig. 6 illustrates an example of a template when an average value is selected as the presentation time of a text and information stored in the first presentation information storage section 104 is selected as the presentation effect for sound" (col. 5, line 60, to col. 6, line 8).

Thus, the processes applied to the media content in *Taguchi* are manually applied by the user, and are not derived by operating upon the attribute using a pre-defined template to establish a computer based editing process. Furthermore, the processes applied by the user are manual and not performed by applying the computer based editing process to the multimedia content to thereby edit the multimedia content.

Taguchi discusses how "....different pieces of information are displayed on the input/output management section 103 so that the user may <u>select</u> the information ....or else <u>average</u> values of the information ...to determine information for a template..." (col. 5, lines 60, to col. 6, line 4). *Taguchi* is silent as to the basis upon which the user "selects information

- 14 -

... or ... averages information" and thus does not disclose deriving an attribute characterizing the multimedia content.

Fig. 6 of *Taguchi* is said to "illustrate[] an example of a template when an average value is selected as the presentation time of a text and information stored in the first presentation information storage section 104 is selected as the presentation effect for sound" (col. 6, lines 5-8). However, the "change" effected to the table in Fig. 6 relates to PRESENTATION TIME which is a parameter describing how to use the content, and this does not act to thereby edit the multimedia content itself.

In summary, Applicants urge strongly that nothing has been found, or pointed out, in *Taguchi* that would teach or suggest any of the features (a) to (c) of Claim 26. It is thus submitted that Claim 26 is patentable over *Taguchi* taken alone.

The Office Action concedes that *Taguchi* does not explicitly disclose "meta-data" and makes reference to *Microsoft Press* in this regard.

At present, meta-data is referred to only in the dependent claims.

Accordingly, without acknowledging that combination is permissible, even if *Taguchi* and *Microsoft Press* are combined it is submitted, for at least the reasons stated above, that independent Claim 26 patentable over *Taguchi* and *Microsoft Press*, whether considered alone or in combination.

In paragraph 8, the Office Action concedes that *Taguchi* does not explicitly disclose "where the template is constructed using heuristic incorporation of experiential information of expert" and refers to *Gill* in this regard.

Again, at present, this feature is referred to only in the dependent claims.

- 15 -

Accordingly, without acknowledging that combination is permissible, even if *Taguchi, Microsoft Press* and *Gill* are combined it is submitted, for at least the reasons stated above, that the claims as amended are patentable over *Taguchi, Microsoft Press* and *Gill* whether considered alone or in combination.

In paragraph 10, the Office Action concedes that *Taguchi, Microsoft Press,* and *Gill* do not explicitly disclose "live capture data set segment" and refers to *Jain* in this regard.

Again, at present, this feature is referred to only in the dependent claims.

Accordingly, without acknowledging that combination is permissible, even if *Taguchi, Microsoft Press, Gill* and *Jain* are combined it is submitted, for at least the reasons stat above, that the claims as amended are patentable over *Taguchi, Microsoft Press, Gill and Jain* whether considered alone or in combination.

The other independent claims each recite the same or equivalent features as those discussed above in connection with Claim 26, and it is thus submitted, for substantially the same reasons, that those other claims also are patentable over the prior art discussed above.

A review of the other art of record has failed to reveal anything, which in Applicants' opinion, would remedy the deficiencies of the art discussed above, as references against the independent claims herein. Those claims are therefore believed to be patentable over the other art of record.

The dependent claims in this application are each believed patentable for the same reasons as are their respective base claims. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual consideration or reconsideration, as the case may be, of the patentability of each on its own merits is respectfully requested.
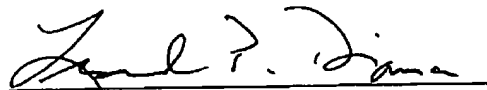
This Amendment After Final Action is believed clearly to place this application in condition for allowance and its entry is therefore believed proper under 37 C.F.R. § 1.116. In any event, however, entry of this Amendment After Final Action, as an earnest effort to advance prosecution and reduce the number of issues, is respectfully requested. Should the Examiner believe that issues remain outstanding, the Examiner is respectfully requested to contact Applicants' undersigned attorney in an effort to resolve such issues and advance the case to issue.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

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- 17 -